IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 7117 of 2006

PRITHVIRAJ MALIWAL
V/S
A.D.J.N0.3,UDAIPUR & ORS.

Mr. RAJAT DAVE for DR.PRATISHTHA, for the appellant / petitioner

Date of Order : 15.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Perused the impugned order. The learned trial court has ordered the document to be admitted in evidence for collateral purposes. Suffice it to say that in view of the proviso to Section 49 of the Registration Act, the document need not be admitted for collateral purposes but it is admissible for evidence for main purpose as it is a suit for specific performance of the contract. Learned counsel for the petitioner apprehends that during progress of the suit the plaintiff may choose to change the nature of the suit, and in that event the document may not be admissible in evidence. It is clarified that if that happens the document would not remain admissible in evidence without registration. The writ petition is accordingly disposed of.

(N P GUPTA),J.

/Sushil/